

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matters of)	
)	
MARITIME COMMUNICATIONS/	)	WT Docket No. 13-85
LAND MOBILE, LLC, DIP (“MCLM”)	)	FCC File No. 0005552500
Application to Assign Licenses to)	
Choctaw Holdings, LLC)	
)	
MCLM Applications to Modify and to	)	FCC File Nos. 0004153701
Partially Assign License for Station WQGF318	)	and 0004144435
to Southern California Regional Rail Authority)	
)	
Application for New Automated Maritime	)	FCC File No. 0002303355
Telecommunications System Stations)	
)	
Order to Show Cause, Hearing Designation	)	EB Docket No. 11-71
Order, and Notice of Opportunity for Hearing	)	File No. EB-09-IH-1751
	)	FCC File Nos. 0004030479, 0004144435,
	)	0004193028, 0004193328, 0004354053,
	)	0004309872, 0004310060, 0004314903,
	)	0004315013, 0004430505, 00044317199,
	)	0004419431, 0004422320, 0004422329,
	)	0004507921, 0004153701, 0004526264,
	)	0004636537, and 0004604962

SUPPLEMENT TO:

PETITION FOR RECONSIDERATION OF WARREN HAVENS OF FCC 16-172
BASED ON NEW FACTS SUBMITTED IN ADVANCE WITH REQUEST TO ACCEPT
(SUPPLEMENT TO “PETITION-1”)¹

To: Office of the Secretary
Attn: Chief, Wireless Telecom Bureau

Warren Havens, and Polaris PNT PBC
2649 Benvenue Ave.
Berkeley, CA 94704
(510) 914 0910

¹ Petitioners are the same as in the petition for reconsideration filed January 18, 2017, in the above-captioned matters.

Warren Havens and Polaris PNT PBC (“Petitioners”) hereby submit this supplement to their January 18, 2017 petition for reconsideration (called the “Petition-1” in the filing, and herein called the “Petition” or the “Petition-1”) of the Commission’s Order on Reconsideration and Memorandum Opinion and Order, FCC 16-172 (“FCC 16-172” or the “Second Thursday Order”)² that granted certain, so-called “Second Thursday” doctrine or policy relief to Maritime Communications/Land Mobile LLC (“MCLM”) and Choctaw Holdings, LLC (“Choctaw”).

In Petition-1, Petitioners informed the FCC that they planned to supplement it after they had filed their petition of the MCLM renewal applications and related extension requests.

1. Supplement Regarding MCLM Renewals and Extensions,
and Mobility Division Orders DA 17-26 and DA 17-450

Petitioners refer to and incorporate in full their following pleadings submitted to the FCC:

- (i) *Petition to Dismiss, Petition to Deny, or in the Alternative §1.41 Request*, filed by Warren Havens, et al., on February 3, 2017, regarding MCLM renewal application File Nos. 0007603776—779 and associated extension requests.
- (ii) *Reply to Opposition to Petition to Dismiss, Petition to Deny, or in the Alternative §1.41 Request*, filed by Warren Havens, et al., on March 1, 2017 (Errata Copy filed March 2, 2017), regarding MCLM renewal application File Nos. 0007603776—779 and associated extension requests.
- (iii) *Petition for Reconsideration and Review Under Communications act §405 and FCC Rule §1.106, Under §1.41 and the Public Interest, and Under Constitutional Due Process*, filed by Warren Havens et al., on June 12, 2017, regarding Mobility Division Order, DA 17-450, and MCLM renewal application File Nos. 0007603776—779 and associated extension requests (Errata Copy filed June 13, 2017).
- (iv) *Reply to Opposition to Petition for Reconsideration and Review Under Communications act §405 and FCC Rule §1.106, Under §1.41 and the Public Interest, and Under Constitutional Due Process*, filed by Warren Havens et al., on

² 31 FCC Rcd 13729

July 14, 2017, regarding Choctaw Opposition, and Mobility Division Order, DA 17-450, and MCLM renewal application File Nos. 0007603776—779 and associated extension requests (Errata Copy filed July 16, 2017).

- (v) *Reply to Opposition to Petition for Reconsideration and Review Under Communications act §405 and FCC Rule §1.106, Under §1.41 and the Public Interest, and Under Constitutional Due Process*, filed by Warren Havens et al., on July 14, 2017, regarding MCLM Opposition, and Mobility Division Order, DA 17-450, and MCLM renewal application File Nos. 0007603776—779 and associated extension requests (Errata and Supplement copy filed on July 16, 2017 —see next below).
- (vi) *Errata and Supplement Copy Reply to Opposition to Petition for Reconsideration and Review Under Communications act §405 and FCC Rule §1.106, Under §1.41 and the Public Interest, and Under Constitutional Due Process*, filed by Warren Havens et al., on July 16, 2017, regarding MCLM Opposition, and Mobility Division Order, DA 17-450, and MCLM renewal application File Nos. 0007603776—779 and associated extension requests
- (vii) *Petition for Reconsideration Including on New Facts and to Find Order Void and for Alternative Relief*, filed by Warren Havens et al., on February 6, 2017, regarding Mobility Division Order, DA 17-26, and various MCLM applications, FCC File Nos. 0001082495-2548, 0002303355, 0003796473, 0004030479, 0004136453, 0004193028, 0004315013, 0004430505, 0004507921, 0004636537, 0004604962, 0004738157, 00 5224980, 0005531404-57, 0006446692. (Errata and Supplement filed February 7, 2017)

Petitioners also reference for purposes of this filing the following relevant, related pleading to their Petition-1 and “Petition-2” of FCC 16-172:

- (viii) *Conditionally Submitted Opposition to Motion to Strike*, filed by Warren Havens et al., on February 22, 2017, regarding MCLM’s *Motion to Strike and/or Dismiss as Defective Petitions for Reconsideration of FCC 16-172; Request for Imposition of Sanctions; and Petition for Expedited Investigation* (filed February 2, 2017), regarding Commission Order on Reconsideration and Memorandum Opinion and Order, FCC 16-172.

The above petition for reconsideration of DA 17-26, regarding MCLM assignment and other applications, related to FCC 16-172. DA 17-26, denied, *inter alia*, various petitions, but it

did not grant the assignments at that time, because MCLM's pending extension requests and license renewal applications had not been granted at that time.

The Mobility Division of the Wireless Telecommunications Bureau granted MCLM's extension requests and renewal applications and consented to MCLM's assignment to Choctaw all on May 11, 2017. Petitioners filed a petition for reconsideration of DA 17-450, as shown above.

A primary argument in Petitioners' pleadings regarding the above referenced decisions of the Mobility Division of the Wireless Telecommunications Bureau is that those two DA decisions, DA 17-26 and DA 17-450, are interdependent with the Commission's Second Thursday decision, FCC 16-172. While more fully explained in Petitioners' pleadings, in sum, the two DA decisions (DA 17-26 and DA 17-450) have no practical meaning or effect without the Commission's Second Thursday Order, and the Commission's Second Thursday Order would have no practical meaning or effect without the Mobility Division's Order, DA 17-450, granting MCLM's extension requests, license renewals and the assignment to Choctaw, and the Mobility Division's Order, DA 17-26, denying various petitions of MCLM applications involving its licenses subject of FCC 16-172. These challenge pleadings also provide evidence of and arguments on *new facts* (caused by MCLM presentation of alleged facts in seeking the licenses' construction deadline extension (and above-noted related renewals and assignments, etc.) that must be weighed in reconsideration of the Second Thursday Order, including that, in seeking the license extensions (and above-noted related renewals, assignments, etc.) MCLM used false and

fraudulent information as to its dead and void licenses,³ and destroyed evidence of that false and fraudulent perpetration on the FCC and Petitioners: “Second Thursday” “doctrine” relief determination requires weighting the nature and extent of the wrongdoing, to determine if it is warranted for the FCC to forego, to any extent, applying its regulatory duties for benefit of so-called “innocent creditors,” and to determine who are the “innocent creditors” (that cannot be done until the nature and extent of the wrongdoing is determined the compared with the creditors, their claims and the relation of that with the wrongdoing).

Therefore, Petitioners assert that it is necessary for the Commission to consider the above listed pleadings that challenge DA 17-26 and DA 17-450, when reconsidering its Second Thursday Order, as Petitioners requested in their Petition-1, coupled with their “Petition-2”, of FCC 16-172.

Petitioners do not, by this or any filing referenced above, waive their positions presented earlier that the “Second Thursday” “doctrine” or “policy” *conflicts with and is void or invalid under* Congressional mandates in 47 USC §309(j) of the Communications Act (and related Commission rulings and orders) regarding *mandated* FCC license auctions, and for the auctions: *mandated* designated entity bidding credits, rules and procedures, and *mandated* rights of lawful high bidders in the auctions (including in this case, rights held by Petitioners) — that *prevail over discretionary* relief to “innocent creditors” of licensees who cheated lawful high bidders in FCC

³ Including: (i) the vast majority of its alleged site-based licensed stations were not timely constructed and operated, (ii) none of the MCLM licenses were acquired by a MCLM by the required application disclosing the real controlling interest, and (iii) none of the MCLM licenses were retained by a MCLM by the required application to transfer control from Mrs. Sandra DePriest to the co-control of Mrs. and Mr. DePriest (under evidence in the record, including what the DePriests admitted: if Mr. DePriest was/is not the sole controller, he is at least the co-controller).

license auctions. “Second Thursday” is not a statute but, as the DC Circuit Court remarked, an unclear policy of sorts regarding FCC discretion. An agency has no authority to avoid or undercut Congressional *statutory mandates* by exercise of *policy discretion* (even if it had clear policy) — this applies to the subject Second Thursday Order and the 6 years, already, of exceedingly wasteful FCC proceedings in which the FCC has entertained MCLM and its “innocent creditors” via Choctaw in multiple “bites at the apple.” There is nothing valid about this in law, equity or any public interest as meant by Congress in the Communications Act and 1996 Telecom Reform Act.⁴

2. Supplement Regarding MCLM Bankruptcy Proceeding and the Appeal of MCLM’s Chapter 11 Plan and Order

MCLM requested that the District Court, Northern District Mississippi, dismiss with prejudice Petitioners’ appeals of the Chapter 11 Plan Order (and certain other Orders of the Bankruptcy Court). Eventually, the Court dismissed the appeals. Subsequently, Havens requested an extension of time to file a motion for rehearing and/or other relief. A 14-day extension was granted. On the due date, Havens submitted a motion for rehearing. A copy is attached hereto as Exhibit 1.

MCLM submitted to the bankruptcy court in Mississippi, in its bankruptcy case, a certain filing requesting an Effective Date for its Chapter 11 Plan. Havens submitted a response in opposition, Exhibit 2 hereto. On July 12, 2017, the court issued an Order setting an evidentiary hearing on the MCLM request for an Effective Date and on the Havens opposition, Exhibit 3 hereto.

⁴ Petitioners have previously presented the apparent original and subsequent unlawful reasons for this, shown in FCC records.

As the Commission can see, these filings by Havens (at the bankruptcy court level and the District Court level) turn around the three FCC decisions discussed in section 1 above, FCC 16-172 and Mobility Division Orders, DA 17-26 and DA 17-450.

Essentially, a principle factual and legal assertion in these filings by Havens in the bankruptcy and District courts is that MCLM and Choctaw have not obtained final relief from the FCC, which they must obtain under the terms of the Court-approved Chapter 11 Plan, and they also have not obtained valid Second Thursday relief because they have not submitted evidence of “innocent creditors”, nor has the Commission made a factual and legal determination of “innocent creditors.”

Havens’ filings at the bankruptcy and District courts also show other defects in these three FCC decisions that do not permit MCLM to proceed with its Chapter 11 Plan, or to have the appeals dismissed; e.g., including providing impermissible, direct benefit to Donald DePriest by MCLM paying Oliver Phillips’ claim, where Phillips’ debt was solely that of Donald DePriest; and not requiring MCLM to ever file an accurate Form 602, disclose its real parties in interest, or a required transfer of control application for admitted control by Donald DePriest as a spouse.

The preceding is a brief, incomplete summary; the pleadings speak for themselves.

Standing

With regard to standing, the above-referenced pleadings by Petitioners of the two DA decisions (DA 17-26 and DA 17-450), give extensive reasons why Petitioners clearly have standing to challenge the two interdependent DA decisions (DA 17-26 and DA 17-450), along

with the Commission's Second Thursday Order, FCC 16-172.⁵ Standing is also shown in Petitioners earlier filings in the captioned matters.

Requests

For the above indicated reasons, Petitioners request that the Commission consider Petitioners' referenced and incorporated pleadings identified above and those in the bankruptcy matters, which are fully within FCC records and federal court records on Pacer (some of which are attached hereto as exhibits), in deciding upon the request for reconsideration of its Second Thursday Order, FCC 16-172.

Petitioners believe this supplement is timely because the pleadings referenced above were timely submitted to the FCC, and the bankruptcy court, and District Court. Until Petitioners' pleadings in these interdependent FCC, bankruptcy, and District Court proceedings were completed and timely filed, the last of which was last Friday, July 14, 2017, this supplement could not be formulated and submitted (without doing so in an inefficient, serial fashion, which would not be efficient for FCC staff).

While Petitioners assert that this supplement is timely, as just indicated, they also reference and incorporate all of the reasons to accept this supplement as timely and in the public interest, that they listed in their Petition-1 at its section entitled "Request to Accept (If Needed)" on pages 3-7.

⁵ All, or most all, of these pleadings contain sections on standing, including Petitioners' above listed *Errata and Supplement Copy Reply to Opposition to Petition for Reconsideration and Review Under Communications act §405 and FCC Rule §1.106, Under §1.41 and the Public Interest, and Under Constitutional Due Process*, filed July 16, 2017, regarding DA 17-450 (granting MCLM extension and other relief) .

Respectfully submitted,

July 21, 2017,

[/s/](#)

Warren Havens

Warren Havens, an Individual

And for Polaris PNT PBC, as President

Contact information is on the Caption page.

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

HAVENS, et al.,
Appellants,

v.

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Appellee.

CIVIL ACTION NO. 1:13-cv-00173-SA
Lead Case, Consolidated with
1:13-cv-174-SA

FILED

JUL 12 2017
DAVID CREWS, CLERK
BY Deputy

AND

HAVENS, et al.,
Appellants,

v.

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Appellee.

CIVIL ACTION NO. 1:13-cv-00180-SA
Consolidated with
1:13-cv-00181-SA
1:13-cv-00182-SA
1:13-cv-00183-SA
1:13-cv-00184-SA
1:13-cv-00190-SA
1:13-cv-00191-SA
1:13-cv-00192-SA
1:13-cv-00193-SA
1:13-cv-00194-SA

MOTION FOR REHEARING

Warren Havens, an individual party *pro se* (“Havens” or “Petitioner”) brings this motion for rehearing regarding the court’s order dismissing the above-captioned consolidated cases on appeal (“Appeal Case,” “Dismissal Order,” and “Motion”). Unless otherwise explained, herein “MCLM” means Appellee, alleged Debtor in Possession in the underlying bankruptcy case, with its successors in interest in its chapter 11 plan, several entities named “Choctaw.”

RELIEF REQUESTED AND PRELIMINARY STATEMENT

Petitioner requests that the Appeal Case be reinstated, and then suspended, until the FCC decides by “final approval order” (discussed below, and subject of the MCLM Chapter 11 Plan) the multiple contested proceedings involving the MCLM FCC licenses (at issue in this Appeal

Case), in which Petitioner is a challenging party, asserting claims against and in the licenses (and against MCLM and affiliated parties including the “Choctaw” entities).

Petitioner also requests that the Court defer decision on this Motion and allow a supplement to the Motion (“Supplement”) (and extend time for Appellee to oppose or otherwise respond, to a date after a permitted Supplement is filed, or is due, that the court reasonably sets) based upon the bankruptcy court Order of today, Exhibit 1 hereto, that sets the described evidentiary hearing date of August 31, 2017. The evidence and other matters at that hearing (prior to which Petitioner will be submitted a further pleading or pleadings, as he explained to the court in his Response described in Exhibit 1) will bear upon the evidence and other matters in this Motion and thus, permitting the above requested schedule will increase judicial efficiency and allow a more full and complete record.

Petitioner respectfully submits that the rationale underlying the Dismissal Order, due or partly due to false and misleading statements by MCLM (including Choctaw), overlooked facts or precedents which, had they properly been considered, would reasonably have altered the result, and thus, that grant of this Motion is appropriate. In sum, *inter alia* (1) the MCLM Chapter 11 Plan (as approved by the bankruptcy court) (the “Plan” and “Plan Order”) defines and requires “final approval” orders from the FCC which clearly have not been obtained; (2) MCLM failed to submit to and obtain FCC acceptance of showings of “innocent creditors” which is a require prong of the FCC “Second Thursday Doctrine,” relief under which is the gravamen of the Plan and Plan Order; (3) MCLM engaged in, admitted to, and maintain, actions that constitute fraud, evidence spoliation and obstruction of Justice in its core FCC licensing matters (carried in the bankruptcy case and this Appeals Case) which are grounds for disqualification and denial of relief attempts at issue before the FCC and these two courts (and that may also constitute bankruptcy fraud); (4) MCLM maintains its multiple challenges against Petition before the FCC, and Petitions asserts these are frivolous and subject to FCC remedies

against MCLM for sanctions and monetary damages; and (5) Petitioner maintains, with no gap, to legal standing to continue as he is doing before the FCC (and in the bankruptcy case below and in this Appeal Case) to prosecute his claims against and in the licenses, as well as claims for sanctions and damages against MCLM; (6) MCLM's unlawful actions, including those above, prejudiced Petitioner and are ground for relief otherwise not available, including equitable tolling, supporting grant of at least alternative relief requested in this Motion; (7) Additional grounds also apply including that the MCLM Licenses are void ab initial, and special-relief FCC Orders MCLM procured are based on ultra vires action resulting in the Orders being void, not simply in error as to decisional facts, and discretionary standards (arbitrary and capricious, contrary to precedent, etc.) and subject to reconsideration on de novo basis.

For these reasons, Petitioner continues to assert before the FCC, this Bankruptcy Court below and this Court that the Plan and Plan Order (and other Orders in this Appeal Case) are not viable under the needed FCC proceedings and law, and other bases of the appeal; and are procured and sustained by fraud and criminal violations that are disqualifying and sanctionable; and in addition prejudice and add to damages of Petitioner against MCLM and its affiliates (see 47 USC §§ 217, and 411) giving rise to equitable tolling and other equitable relief on behalf of Petitioner. Thus, Petitioner requests grant of the relief described above.

ADDITIONAL BACKGROUND

Petitioner's main background and ongoing work is described in the chapter 11 bankruptcy case of Skybridge Spectrum Foundation ("SSF") (Delaware Bankruptcy Court, Case 16-10626-CSS). Havens founded SSF and primarily capitalized it by charitable donations. MCLM has challenged and to this day challenges SSF and Havens before the FCC (and in other

ways), and SSF and Havens have defended and continue to defend from these challenges.¹ As this SSF case demonstrates, SSF is an I.R.C. section 501(c)(3) non-profit, tax-exempt, non-stock Delaware corporation formed in 2006 for charitable, educational, and scientific purposes, including providing programs, education, and research that promote public safety, environmental protection, and the preservation and sound use of scarce public resources, in which a main goal under its tax “exempt—purpose mission” and business plan is to implement nationwide, ubiquitous (including areas not served, or reliably served, by wireless carriers), highly accurate and precise radio—based positioning, navigation and timing applications benefitting the general public and national welfare. Petitioner, Havens in SSF’s current member, director, and president, performing these roles as an unpaid volunteer.²

JURISDICTION, VENUE, AND RELIEF REQUESTED STANDARD

It is already established that this Court has jurisdiction over this contested matter and this is reflected in the Court’s Order of June 30, 2017 (Doc. 292) granting an extension time to file this Motion. *Pro se* Petitioner submits that the relief-requested standard that applies is Rule 59 F.R.Civ.P.³ and is complied with herein.

ARGUMENT⁴

(1) Failure to get required “final” FCC approval orders. See Preliminary Statement ‘(1)’.

¹ Petitioner has his own challenges against MCLM, and against and in its claimed FCC licenses, and has sufficient legal standing to do so before the FCC (as well as in the bankruptcy court below, and in this Court).

² For further background, see in this SSF case: Declaration of Havens in Support of the Debtor’s Petition and First Day Pleadings (D. I. 30); Declaration of Havens in Support of...(D.I. 70) with errata sheet (D.I. 74); Declaration of Havens in Support of... (D.I.98) with errata sheet.

³ FRPB 9023 provides: “ ... Rule 59 F.R.Civ.P. applies in cases under the Code....In some circumstances, Rule 8008 governs post-judgment motion practice after an appeal has been docketed and is pending,” and in the “Notes of Advisory Committee...., “ Rule 59 F.R.Civ.P. regulates motions for a new trial and amendment of judgment....”

⁴ *For efficiency and space/ word saving, this the component numbered Arguments reference and incorporate, but do not repeat, the summary of each in the Preliminary Statement above.*

In addition: The relevant denials, and interest in the Licenses, that are at issue in the Appeal Case are as described in the MCLM Chapter 11 Plan (as approved by the bankruptcy court) (the “Plan” and “Plan Order”). This involves whether Choctaw will get from MCLM by final approval / order of the FCC, all interest and title in the Licenses (and prior FCC decisions needed for that, which must also be “final”). This unquestionably has not occurred as shown in the ongoing FCC proceedings in which Petitioner continues, with standing and in proper time, to challenge the Licenses, based on his claims against and to the Licenses. E.g. (emphases added): see the MCLM Plan Order (Doc.973) at p. 11 bottom regarding “what the FCC *ultimately* decides regarding the subject licenses” which reflects the Plan (Doc. 973-1): including see its definitions on p. 6 of “*Final Order*” and p. 10 (“such transfer is and will be subject to *final* approval by the FCC”.... “after *final* FCC approval of [Choctaw] Holding as the owner and holder of the FCC spectrum licenses....”). The Petitioner’s ongoing to this day, timely and under proper legal standing, FCC challenges against and for interests in all of the subject FCC Licenses in MCLM name, make this “final” “ultimate” requirement not obtained.

Further in this regard, contrary to the MCLM’s Motion to Dismiss [Doc # 92], and the Court’s Order granting it, the FCC proceedings (and the issues therein), which were part of the basis for the Court’s Agreed Order Administratively Terminating Appeals without Prejudice dated April 16, 2015 [Docket No. 267] (the “Agreed Order”), are still going on. That is, they have not been “ultimately decided” by the FCC by any “Final Order” or approval (FCC orders follow approvals and any memo explaining approval in a contested matter as in this case), and the lower court’s decisions and rulings were contingent upon FCC “ultimately decided” relief, as stated in the Plan. In fact, several of the pending FCC proceedings that were the basis for the Agreed Order were at the appeal stage, and those and now additional ones involving MCLM and its licenses, still continue before the FCC on appeal. In other words, just because the FCC issued a decision does not make it final or “ultimately decided” for purposes of finding that Havens

does not have standing and interest or that his Appeals are moot. For example, the FCC proceedings noted in the Agreed Order included, but were not limited to, the FCC's Second Thursday Docket 13-85 proceeding which was at the appeal stage, since the FCC denied MCLM's and Choctaw's first Second Thursday attempt (in Commission Order, FCC 14-133), and Havens was appealing that decision as were MCLM and Choctaw. In other words, this Court and the parties, previously accepted as basis for the Agreed Order and for not dismissing Havens' appeals, several FCC proceedings that were at appeal stages and thus not final. That situation still applies today. Therefore, Havens' appeals were improperly dismissed by this Court and should be reinstated.

(2) Failure to show and get approval of "innocent creditors" requirement. See Preliminary Statement '(2)'. In addition: Again based on false statements of MCLM (including Choctaw), here to the FCC, the FCC unquestionably erred in denying Petitioner's challenge to MCLM's second request to keep its Licenses (otherwise in a revocation proceeding) under the FCC "Second Thursday Doctrine" and granting that request, in late 2016. The falsity is, first, that the Bankruptcy Court found that the MCLM Plan complied with the "innocent creditors" prong of the "Second Thursday Doctrine" because that was somehow determined by the Bankruptcy Court. But it was not and cannot be. Rather, the Bankruptcy Court properly and repeatedly, including in the Plan Order, disavowed any jurisdiction or role in any FCC determination needed under the Second Thursday Doctrine or other FCC determination required under the Plan. In this regard, the FCC's December 2016 decision to grant the MCLM second request (on reconsideration, but actually it was based on new alleged facts of the bankruptcy of Mr. Depriest) and the related full record show that MCLM submitted no such innocent-creditor showing, but Choctaw (which is the agent of MCLM or the licensee with standing in this matter) asserted to the FCC that the bankruptcy court in some way determined this FCC "innocent-creditor" issue, but Choctaw submitted no such showing.

Further, Havens' "Petition 2" of FCC 16-172 (link given above), at its pages 17-18 argues how the FCC's Second Thursday Order, FCC 16-172, improperly relied upon Choctaw's false assertions that somehow the bankruptcy court determined who were "innocent creditors", when that is not the bankruptcy court's jurisdiction to determine, but rather the FCC's job under its Second Thursday policy. This fundamental error by the FCC in FCC 16-172 shows that Havens has a very strong chance of overturning FCC 16-172 on appeal. The FCC's Second Thursday Order, FCC 16-172, states at its ¶15 the following (footnotes inline, emphasis added):

15. The record also establishes that the creditors of MCLM who would benefit from the proceeds obtained from assignment of the licenses are innocent creditors. None of the creditors has been accused of wrongdoing, either in the HDO or otherwise.⁵ Choctaw asserts, without contradiction in the record, that "there was extensive testimony before the Bankruptcy Court on the issue of innocent creditors,"⁵¹ and we give great weight to the Bankruptcy Court's findings that the Plan represents a good faith effort to benefit innocent creditors of MCLM without unfair discrimination.⁵²....

51/ See Choctaw Opposition at 15.

52/ See, e.g., Confirmation Order at 3.

Thus, the FCC never properly determined who were innocent creditors, and that is a fatal flaw in FCC 16-172, that Havens has raised on appeal to the FCC, and that makes FCC 16-172 *ultra vires* and *void ab initio*. The bankruptcy court did not determine who were "innocent creditors" as that term is meant under the FCC's Second Thursday policy, which requires the FCC to determine who are the innocent creditors versus those who had a relation with the bad actors or knowledge of the bad actions under FCC rules. The bankruptcy court did not make a determination of "innocent creditors" for purposes of FCC Second Thursday policy because that is the sole jurisdiction of the FCC and the bankruptcy court is not the authority to decide that

⁵ This is untrue. [EXPL]

issue based on the facts before and to be obtained by the FCC, not the bankruptcy court. Thus, the FCC failed to make the proper determination of innocent creditors.⁶

(3) Disqualifying fraud, spoliation and obstruction. See Preliminary Statement ‘(3)’. In addition: See the Havens FCC pleadings at the FCC web links provided herein. See also the planned Supplement to this Motion if permitted by the Court (see above). Also, in upcoming FCC and bankruptcy filings, Havens will detail how MCLM has admitted to major violations of Title 18 of the US Code regarding criminal violations involving federal agencies, including 18 USC §1519 *Destruction, alteration, or falsification of records in Federal investigations and bankruptcy*. This involves, *inter alia*, MCLM admitted, as evidenced in a declaration by David Predmore, and statements to FCC, to allowing the records of construction and operation of the stations it was acquiring from Mobex to be destroyed (because it allegedly had no need for them): see e.g. MCLM’s Opposition to Petition to Deny regarding renewal of Call Sign WRV374, filed August 8, 2011, at its page 3 and Exhibit 1. MCLM’s Opposition is at: <https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=443708627&attachmentKey=18771180&attachmentInd=applAttach>). MCLM has not disputed this. In fact, Predmore was deposed on this declaration and admitted in testimony that he was instructed to assert the principle arguments

⁶ As one example, of many: For example, Oliver Phillips is not an innocent party, since his debt claim was solely against Donald DePriest, but somehow ended up being assumed by MCLM for no consideration at all. In other words, Phillips and Donald DePriest agreed to improperly shift Phillips’ debt with Donald DePriest over to MCLM, because they knew Donald DePriest was the real controller of MCLM and could get it to do so, but when both knew that MCLM’s asserted position before the FCC is that Donald DePriest had no control or interest in MCLM. Further, all of MCLM’s bad actions were already known when Phillips and DePriest entered into the “Contract and Settlement Agreement” contained in Phillips’ proof of claim, Claim 66-1, at its Exhibit A. That is just one example of why DePriest’s, and now MCLM’s, single largest creditor was not “innocent”, and shows why FCC 16-172 failed to determine “innocent creditors” (Phillips is only a creditor of MCLM because of Donald DePriest’s and Phillip’s improper agreement, in which MCLM got no consideration for assuming Donald DePriest’s personal debt). Havens has raised this issue in his challenges, including his Assignment Recon (page 8, footnote 11) and his Petition 2 at page 17, and in his prior challenges including in docket 13-85.

in his declaration by John Reardon (officer/employee of MCLM and Choctaw), and that those elements were not truthful. This has been presented to FCC and ALJ Sippel, but has not yet been ruled upon. This is one component of my current challenges to the 3 Orders (see e.g. See Havens facts and arguments in his “Petition 2” of FCC 16-172 (link given above), at its page 17; and Havens’ Extension Recon at its Section II.C.2 and 3, and pages vi and 18.

(4) MCLM continued Havens challenges, and Havens’ continued counterclaims. See Preliminary Statement ‘(4)’. In addition: See the Havens FCC pleadings at the FCC web links provided herein. Mostly, see the planned Supplement to this Motion if permitted by the Court (see above).

(5) Havens has required legal standing. See Preliminary Statement ‘(5)’: Petitioner maintains, with no gap, to legal standing—and is acting timely—to continue as he is doing before the FCC (and in the bankruptcy case below and in this Appeal Case) to prosecute his claims against and in the licenses, as well as claims for sanctions and damages against MCLM. MCLM, Choctaw and the Unsecured Creditor’s Committee and Liquidating Agent were factually incorrect to take the position that Havens does not have standing and interest to pursue challenges before FCC to all of MCLM’s licenses, including its geographic licenses. As shown above, Havens has timely challenged the FCC’s Order regarding MCLM’s license renewal and extension applications, and assignment to Choctaw, FCC Order, DA 17-450, and he is challenging the FCC’s December 2016 “Second Thursday” decision, FCC 16-172, that Havens maintains was timely, including because FCC 16-172 had no practical effect without the later Bureau level decision, DA 17-26 and Division level decision, DA 17-450 that granted MCLM’s renewals and extension requests that Havens timely challenged and has on appeal. Havens previously showed this Court that he is challenging the FCC’s “Second Thursday” Order, FCC 16-172, and the FCC’s Order, DA 17-26, regarding MCLM’s assignment applications to various entities, and MCLM’s renewal and extension Applications, DA 17-450—see Havens’

OPPOSITION TO JOINT MOTION TO DISMISS HAVENS' APPEALS, filed on March 24, 2017, including at its Exhibits 1, 2 and 4 (Doc # 100), and Havens' 6/28/17 Request and Motion, including at its Exhibit 1. Those challenges (links above) are self-explanatory upon reading them, including those sections with Havens' facts and arguments regarding why the FCC is incorrect to find that Havens does not have standing and interest. Those include that the Commission found Havens had standing and interest in its Order to Show Cause and Hearing Designation Order, FCC 11-64—making Havens a party to the FCC's hearing in Docket No. 11-71, which is what ultimately led to the FCC's Docket 13-85 regarding MCLM and Choctaw Second Thursday request, and in the FCC decisions on Havens' challenges to MCLM's Auction 61 application that did not find he did not have standing and interest to challenge.

Havens' above-noted pending challenges at the FCC state why Havens has standing and interest to challenge MCLM, and those same reasons and showings apply here in this case. Havens does not fully restate those here because they are self-evident in his above-noted challenges to which he is providing links.

Contrary to the arguments in the Joint Renewed Request on Motion to Dismiss filed by MCLM, Choctaw, the Official Committee of Unsecured Creditors and the Liquidating Agent, Havens shows the following as further support for grant of this Motion and rescission of the Order.

Havens has standing, shown in his challenges before the FCC, including his prior petitions decided by the 3 Orders and his pending appeals of the 3 Orders, including but not limited to his most recent petition for reconsideration of DA 17-450 (the "Extension Recon"), part of which was included as Exhibit 1 to Havens' 6/28/17 Request and Motion, and to be further shown in Reply to be filed with the FCC this coming Friday. See e.g. Havens' facts and arguments at the Extension Recon's Section II.A of the Recon of DA 17-450 and its Appendixes 1-6. Also, see the Assignment Recon at its page 2, footnote 2, Section 8, page 24, and footnote

6; and the Petition 1 at its page 7; and the Reply to be filed this coming Friday with the FCC (Havens intends to supplement this Motion once that Reply is filed).

Further, Havens' standing is shown by the fact that the FCC in April of this year denied a petition for declaratory ruling filed by Havens and Polaris regarding FCC rule §80.385(b) and the Third Circuit's decision related the FCC's "Cooperation Orders" regarding said rule section. If Havens had not had standing, then the FCC would not have addressed and denied that petition for declaratory ruling, but instead, it would have dismissed or ignored it entirely. The fact that the FCC decided on the petition's substance shows Havens has standing and interest in matters related to MCLM. Havens is appealing that denial. His petition is at the following FCC website link <https://ecfsapi.fcc.gov/file/1051245501810/PtRcn%20Denial%20DecRuling%20re%2080.385b.pdf>

(6) MCLM's unlawful actions are grounds for relief. See Preliminary Statement '(6)'. In addition: MCLM's unlawful actions, including those above, prejudiced Petitioner and are ground for relief otherwise not available, including equitable tolling, supporting grant of at least alternative relief requested in this Motion. In addition: See the Havens FCC pleadings at the FCC web links provided herein. See also the planned Supplement to this Motion if permitted by the Court (see above).

(7) Additional grounds that also apply:

MCLM licenses and recent FCC Orders sustaining them, are based on FCC and MCLM ultra vires actions and are void. MCLM Licenses are void *ab initio*, and the special-relief FCC Orders MCLM procured are based on MCLM and FCC *ultra vires* action resulting in the Orders being void, not simply in error as to decisional facts, and discretionary standards (arbitrary and capricious, contrary to precedent, etc.) and subject to reconsideration on de novo basis. This involves, *inter alia*:

(i) MCLM has never fulfilled the minimum FCC requirements to obtain approval of the actual controlling interest in MCLM, absent which its licenses are void.

(ii) In addition, Havens has demonstrated to the FCC, that the MCLM licenses terminated by action of law for failure to meet the minimum conditions for renewals, which concern “construction” of the licenses, or an extension of the time to construct that is permitted under specific FCC rules (see link below to Havens’ appeal of FCC Order, DA 17-450). For that grant of a waiver of the essential FCC rule, within 47 CFR Section 1.946, MCLM sought a two-year extension of the construction deadline and the Wireless Bureau granted that in a recent month. Havens appealed that first on the basis that a Wireless Bureau staff lack authority to waive a clear rule without a demonstration to waive the rule and grant of that. MCLM did not seek a waiver of the above- noted rule, nor did FCC grant such a waiver. Thus, my challenge to the MCLM license renewals and construction-extensions asserts that the licenses have terminated by action of law, which is also stated in 47 CFR Section 1.946 and a related rule Section 1.955, and supported by the FCC’s recent Public Notice, DA 17-573 (Exhibit 2 to Havens’ 6/28/17 Request and Motion).

(iii) The FCC three Orders, FCC 16-172, DA 17-26 and DA 17-450 are *ultra vires* decisions and void *ab initio* (the “3 Orders”). The 3 Orders are interdependent, since they constitute components in providing relief to MCLM. If any one of the orders fails, then the others do too. Havens’ position at FCC is that the FCC relief given MCLM in the 3 Orders is *ultra vires* and results in 3 Orders being void *ab initio*. The FCC’s 3 Orders are *ultra vires* under Section 309(j) because the FCC is violating its own rules for auctioning of license spectrum as mandated by Congress, and in doing so the FCC is also violating Havens’ petition and property rights, for which he can pursue legal remedies before the FCC, the DC Circuit, and before another court of appropriate jurisdiction including under the Tucker Act, Communications Act, and other law.

The below noted, pending Havens challenge filings at the FCC are made under Commission rules, but they also ask for treatment as informal filing, in the alternative. Havens

provides the following FCC website links to his pending challenges of the 3 Orders, rather than attach them to this Motion, since they are readily available off the FCC's website, and it is more efficient and effective to provide links to the FCC official, filed copies on the FCC's website; however, if the Court would prefer, he can provide paper copies upon request:

- (1) Havens appeals of FCC Second Thursday Order, FCC 16-172: **"Petition 1"** :
<https://ecfsapi.fcc.gov/file/10118254683143/1.%20Petition-1%20Recon.pdf>. And **"Petition 2"**:
<https://ecfsapi.fcc.gov/file/10118254683143/2.%20Petition-2%20Recon.pdf> and its Appendix 1:
[https://ecfsapi.fcc.gov/file/10118254683143/Petition%202%2C%20Appendix%201%20\(chart\).pdf](https://ecfsapi.fcc.gov/file/10118254683143/Petition%202%2C%20Appendix%201%20(chart).pdf). And
Petition 2, Appendix 2 <https://ecfsapi.fcc.gov/file/10118254683143/Petition%202%2C%20Appendix%202.pdf>
- (2) Havens' appeal of FCC Wireless Bureau Assignment Order, DA 17-26 (the "Assignment Recon"):
<https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1554132445&attachmentKey=20085195&attachmentInd=applAttach>
errata and supplement:
<https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1783120982&attachmentKey=20085197&attachmentInd=applAttach>
and its Exhibit 1:
<https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1063129907&attachmentKey=20085193&attachmentInd=applAttach>
and Exhibit 2:
<https://wireless2.fcc.gov/UlsEntry/attachments/attachmentViewRD.jsp?applType=search&fileKey=1814437765&attachmentKey=20085194&attachmentInd=applAttach>
- (3) Havens' appeal of FCC Mobility Division Renewal and Extension Order, DA 17-450 (the "Extension Recon"): <https://ecfsapi.fcc.gov/file/10613895807077/-%20wh1.%20PtRecon%20FCC%20DA%2017-450.pdf>
Errata appeal copy - <https://ecfsapi.fcc.gov/file/10613229867901/errt%20-wh1.%20PtRecon%20FCC%20DA%2017-450.pdf>
and its Appendixes, <https://ecfsapi.fcc.gov/file/10613862013571/-Appendixes%2C%20PtRecon%20FCC%20DA%2017-450.pdf>
and its Exhibit 1:
<https://ecfsapi.fcc.gov/file/10613862013571/Exhibit%201%20FCC%20website%20re%201.946.pdf>
and Exhibit 2:
<https://ecfsapi.fcc.gov/file/10613862013571/Exhibit%202%20Admin%20page%20WQGF315%20-%20no%20ext%20rqst%20application.pdf>

and Exhibit 3:

<https://ecfsapi.fcc.gov/file/10613862013571/Exhibit%203%20FCC%20Ltr%20to%20MCLM%20re%20rqst%20ext%201.946.pdf>

Further regarding FCC Orders Being Ultra Vires and Void Ab Initio:

Petitioner Havens’ above-noted challenges to the 3 Orders do not just argue that FCC abused discretion, but that on most fundamental basis the FCC’s 3 Orders are void ab initio and ultra vires, because of FCC and MCLM ultra vires actions, which are already presented in challenges at FCC, including appeals, and will be further articulated in Havens Reply due this Friday (re: FCC Order, DA 17-450) and to be submitted soon to the FCC in a request for stay of the 3 Orders. See e.g. the Extension Recon at its Section III.A., pages 8-17, and its Section III.B, pages 17-18 and at its Section III.C., pages 18-20. See Havens facts and arguments in his “Petition 2” of FCC 16-172 (link given above), at its pages 3, 5-7, 12-17. Also, see the Assignment Recon at its Section 1, pages 4-6 and pages 6-17.

In summary, Havens challenge to MCLM and FCC actions being void ab initio and ultra vires include the following: (1) MCLM concealment of actual control and ownership (see e.g. Extension Recon at its Section III.C, Assignment Recon at its Section 4, pages 6-16 and its Section 5, pages 16-17); (2) actual control in MCLM that was admitted was never formally submitted to FCC in a transfer of control application as required by FCC rules; apparently because it would have subjected MCLM to further challenges by Havens and in times at past by Skytel entities, and probably further FCC investigations, and precedents show that when a party actually changes its control (and here it is admitted—that Donald DePriest is spouse), then the licenses granted under inaccurate control are void. Havens has cited precedents in his challenges; (3) arguments in Havens’ and receivership entities’ application for review of MCLM’s Auction 61 application, that showed MCLM admitted to cheating to get 35% discount and that disqualified MCLM and required offering those licenses to lawful high bidder. In that

application for review proceeding, Havens demonstrated that MCLM admitted to unlawful bidding credit and that under prevailing case law (McKay and Superior Oil and Biltmore cases), the FCC, or any other federal agency authority issuing licenses by auction, must offer the licenses to the lawful high bidder when the high bidder admits or is found to have cheated or been disqualified. Havens' argument in the application for review is that the MCLM licenses are void ab initio and that was also his position maintained throughout FCC Dockets 11-71 and 13-85 (the latter being regarding MCLM's Second Thursday relief request). That matter is upon appeal as part of Havens' challenge proceedings to the FCC's interdependent, inter-related 3 Orders described herein; (4) Another reason Havens asserts void ab initio and ultra vires, and that Havens intends to further show in forthcoming filings to FCC and bankruptcy court, noted above, is that MCLM did not have authority from the bankruptcy court or this court for the actions before the FCC to obtain special relief which was issued in the 3 Orders, and due to that lack of authority, those relief attempts and the three FCC Orders should be found void ab initio.

CONCLUSION

WHEREFORE, Petitioner respectfully requests grant of the relief requested herein.

Respectfully submitted,

WARREN HAVENS

By: 

Warren Havens, *pro se*
2649 Benvenue Ave.
Berkeley, CA 94704
Ph: 510-914-0910
Email: wrnrvns@gmail.com

July 12, 2017

CM/ECF hrg4
(Rev. 08/02/16)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In Re: Maritime Communications/Land
Mobile, LLC
Debtor(s)

)
)
)
)
)

Case No.: 11-13463-NPO
Chapter: 11
Judge: Neil P. Olack

PLEASE TAKE NOTICE that an evidentiary hearing will be held at:

Cochran U.S. Bankruptcy Courthouse, 703 Highway 145 North,
Aberdeen, MS 39730

on 8/31/17 at 11:00 AM

to consider and act upon the following:

1469 – Document First Amended Notice of Plan Effective Date Filed by Craig M.
Geno on behalf of Maritime Communications/Land Mobile, LLC. (Geno, Craig)

1472 – Response Filed by Warren Havens (RE: related document(s)1469 First
Amended Notice of Plan Effective Date filed by Debtor Maritime
Communications/Land Mobile, LLC). Entered on Docket by: (LLG)

Please note that a corporation, partnership, trust, or other business entity, other than a sole proprietorship, may appear and act in Bankruptcy Court only through a licensed attorney.

Dated: 7/12/17

Shallanda J. Clay
Clerk, U.S. Bankruptcy Court
BY: ALD
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

HAVENS, et al.,

Appellants,

v.

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Appellee.

CIVIL ACTION NO. 1:13-cv-00173-SA
Lead Case
Consolidated with
1:13-cv-174-SA

AND

HAVENS, et al.,

Appellants,

v.

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Appellee.

CIVIL ACTION NO. 1:13-cv-00180-SA
Consolidated with
1:13-cv-00181-SA
1:13-cv-00182-SA
1:13-cv-00183-SA
1:13-cv-00184-SA
1:13-cv-00190-SA
1:13-cv-00191-SA
1:13-cv-00192-SA
1:13-cv-00193-SA
1:13-cv-00194-SA

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 12, 2017, I have caused to be served a copy of the **MOTION FOR REHEARING**, filed by Warren Havens, party pro se, in the above-styled and numbered cases (delivered to the Clerk of the Court on July 12, 2017), on the following parties:

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Law Offices of Craig M. Geno, PLLC
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cmgeno@cmgenolaw.com
(Counsel to Maritime Communications/Land Mobile LLC)

Derek F. Meek
Burr & Forman LLP
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(Counsel for Official Committee of Unsecured Creditors of Debtor
Counsel for Liquidating Trustee)

R. Spencer Clift, III
Timothy M. Lupinacci
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
1400 Wells Fargo Tower - 420 20th Street North Birmingham, AL 35203
tlupinacci@bakerdonelson.com
(Counsel for Choctaw)

By: 

Warren Havens, party pro se
2649 Benvenue Ave.
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Ph: 510-848-7797
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July 12, 2017

EXHIBIT 2

Filed 7.11.17 at 9:00 A.M.
United States Bankruptcy Court
Northern District of Mississippi
Shallanda J. Clay, Clerk

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

In re:

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Debtor.

Chapter 11

Case No. 11-13463-NPO

INITIAL OPPOSITION OR RESPONSE TO NOTICE OF EFFECTIVE DATE¹

Warren Havens, *pro se*, (“Havens”), a party in interest in this Case, files this initial opposition or response (the initial “Opposition”) to Maritime Communications/Land Mobile LLC’s (“MCLM”) First Amended Notice of Plan Effective Date (the “Request”).

Havens is an individual party in interest in this bankruptcy case as shown in Case records. (He has standing on an individual level, as will be shown in the upcoming filing, of next week, to this court described below).

Havens requests that the Court defer action on the MCLM Request until Havens submits to this Court a pleading in which Havens will provide facts and law that Havens believes will be good cause to deny material aspects of the Request, including setting an “Effective Date” discussed in the Request.

Havens is an appellant in the appeal of Orders of this Court (including the Order that approved the MCLM-Choctaw Chapter 11 Plan) before the US District Court (the “District Court”), and Havens was granted recently an extension of time to file a Motion for Rehearing or other relief of the District Court’s dismissal of my appeals, including of the Chapter 11 Plan Order. The extended date for Havens to submit a motion for rehearing is July 12, 2017. See Exhibit 1 hereto.

¹ The Certificate of Service follows at the end of this filing.

In the forthcoming motion for rehearing or other relief to the District Court, Havens plans to submit good cause for the District Court to reinstate my appeal, including of the Chapter 11 Plan Order. For the same reasons, Havens will present to this Court a pleading no later than the end of next week, July 21, 2017, that refers to and attaches the just noted motion for rehearing or other relief that Havens will be submitting to the District Court and that provides other good cause supporting my position before this Court as to denying the material relief sought by MCLM in its Request.

Part of Havens' forthcoming pleadings to the District Court, and then to this Court, referenced above, will be to demonstrate *inter alia*: (i) that Havens has legal standing to continue to challenge, as he is doing, the relief sought by MCLM before the FCC as the basis of its bankruptcy, which was substantially granted in late 2016 and early 2017 in several inter-related FCC Orders and decisions, and (ii) that the FCC relief obtained by MCLM, just noted, is both arbitrary and capricious and also *void ab initio* for reasons given in Havens' pleadings before the FCC challenging the MCLM request for, and the FCC issuance of, the above-noted relief decisions.

Some of Havens' challenge pleadings just noted are already timely submitted to the FCC and are pending. Several others are not yet due. One of which is due this Friday, July 14, 2017, based upon the FCC grant of an extension to file by this Friday (a reply to oppositions of MCLM and Choctaw to my petition for reconsideration of DA 17-450, which granted MCLM a two-year extension to "construct" and put into service its FCC geographic licenses, and on that basis renewal of those licenses).

Another challenge filing Havens plans to submit, after the just-noted FCC reply pleading, is a *request for a stay* of the FCC adjudication proceedings involving MCLM licenses until Havens' challenge pleadings are decided upon the merits, or until MCLM and Havens (and any other interested party with standing) complete settlement or arbitration proceedings under certain

FCC rules, which Havens believes the FCC may order in a case like this, and either directly participate or in any case retain authority to accept or reject, under FCC law, the results of that private party's proceeding.

Havens plans to then submit to this Court a request for relief related to the FCC request for a stay.

In addition, the filings described above that Havens will be submitting to the District Court, the FCC, and to this Court (which are all related, since they all involve essentially the same FCC licenses and materially the same facts), Havens intends to show that MCLM clearly mislead, as to material facts, both the FCC and the District Court and this Court as to material representations it employed in its pleadings in the courts and the FCC, to obtain the above-noted FCC relief and to seek and obtain the dismissal of my appeal of the Chapter 11 Plan Order, and now to seek relief in the subject Request.

Some of the this demonstrable MCLM misrepresentation also involved the *Havens, Skybridge et al. v Mobex, MCLM* case (described in this bankruptcy Case) before the US District Court in New Jersey and the US Court of Appeal for the Third Circuit, to procure a dismissal with prejudice of my claims under the Sherman Act- and the essence of this misrepresentation falls under 18 USC including §1519, and that may give rise to fraud, obstruction, or the like under bankruptcy law as well.

In addition, Havens also intends to show that in the Request, in referencing the Plan, accurately refers to the fact that this Court's rulings and order are contingent upon FCC "ultimately decided" relief. Under FCC rules and case precedents, "ultimate" or "final" relief from the FCC means once the FCC issues an order for such relief that is beyond all challenges, and beyond the time set for any further challenges before the FCC or the US Circuit Court of Appeals, DC Circuit. No such "ultimate" or "final" relief has been obtained by MCLM because of my pending challenges noted above. In this regard, as some of the relevant information,

Havens has challenged the FCC Orders, FCC 16-172, DA 17-26 and DA 17-450, and maintains other challenges before the FCC against MCLM, including his pending appeal and case in FCC Docket 11-71.

Further, Havens intends to show in the filings he plans on submitting, noted above, where appropriate, that to this day, MCLM has never accurately and fully disclosed its ownership and control (including who are the real parties in interest and who are its affiliates), or filed the required transfer of control application (at minimum, regarding its admission of Donald DePriest as a spouse of Sandra DePriest). The US Government, including the FCC, and I believe the bankruptcy courts and superior courts, require accurate disclosure of the real parties in interest in a legal entity for purposes of FCC rules and proceedings, bankruptcy rules proceedings, the Patriot Act, and other proceedings. Therefore, for this reason alone (among others indicated above to be further shown in the next Havens filing in this court indicated above), Havens asserts that MCLM's actions indicated herein, including to procure the FCC's decisions noted above, are *ultra vires* and void *ab initio*.

I request reasonable flexibility and relief, if needed, for this *pro se* filing to be processed and accepted. As my next filing will show, I current lack counsel due to improper and unlawful prejudicial action by MCLM and Choctaw, and for this reason also, I seek the just noted relief.

Respectfully submitted,

WARREN HAVENS

By: 
Warren Havens, *pro se*
2649 Benvenue Ave.
Berkeley, CA 94704
Ph: 510-848-7797
Email: wrrnvns@gmail.com

July 10, 2017

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

WARREN HAVENS, et al

APPELLANTS

V.

CIVIL ACTION NO. 1:13-CV-00173-SA

MARITIME COMMUNICATIONS

APPELLEE

ORDER

The Court entered an Order dismissing all claims by all the Appellants in this case on June 14, 2017. Appellant Havens, now proceeding *pro se*, filed a Motion for Extension of Time [291] requesting additional time to consider filing a motion for rehearing or other relief.

The Appellant's Motion is GRANTED but NOT TO THE EXTENT REQUESTED. Appellant shall have an additional 14 days to file a motion for rehearing under Federal Rule of Bankruptcy Procedure 8022. The new deadline for filing a motion for rehearing is July 12, 2017. All other requested relief is denied without prejudice.

SO ORDERED on this, the 30th day of June, 2017.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

In re:

MARITIME COMMUNICATIONS/
LAND MOBILE, LLC,

Debtor.

Chapter 11

Case No. 11-13463-NPO

CERTIFICATE OF SERVICE

I, the undersigned, certify that on July 10, 2017, I have caused to be served a copy of the **OPPOSITION TO NOTICE OF EFFECTIVE DATE**, filed by Warren Havens, party pro se, in the above-styled and numbered case (sent via courier for filing and delivery to the Clerk of the Court on July 10, 2017), on the following parties:

Craig M. Geno, Esq.
Law Offices of Craig M. Geno, PLLC
587 Highland Colony Parkway
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Ridgeland, MS 39158
cmgeno@cmgenolaw.com

AND

All parties listed on Exhibit "A" at the email and/or physical address listed therein.

Respectfully submitted, this the 10th day of July, 2017.

By: 

Warren Havens, party pro se
2649 Benvenue Ave.
Berkeley, CA 94704
Ph: 510-848-7797
Email: wrnvns@gmail.com

July 10, 2017

EXHIBIT "A"

SECURED CREDITORS	C. Chris Dupree Attn: Patrick B. Trammell P. O. Box 11063 Birmingham, AL 35202-1063	Collateral Plus Fund, 1, LP c/o David Blaylock, Esq. 6000 Poplar Ave., Suite 400 Memphis, TN 38119-3955
Collateral Plus Fund 1, LP c/o Thomas M. Brahan, Esq. P. O. Box 663 Aberdeen, MS 39730-0663	Collateral Plus fund 1, LP 102 Woodmont Blvd., Ste. 302 Nashville, TN 37205	Nat'l Rural Telecommunications Co-op c/o James A. McCullough, II, Esq. P. O. Drawer 119 Jackson, MS 39205
Nat'l Rural Telecommunications Co-op 2121 Cooperative Way Herndon, VA 20171	Pinnacle National Bank c/o Stephen W. Ragland, Esq., et al 100 Peabody Place, Ste. 900 Memphis, TN 38103	Pinnacle National Bank 150 Third Ave. S., Ste. 800 Nashville, TN 37201
R. Hayne Hollis Attn: Patrick B. Trammell P. O. Box 11063 Birmingham, AL 35202-1063	Watson & Downs, LLC Attn: Patrick B. Trammell P. O. Box 11063 Birmingham, AL 35202-1063	ENTRIES OF APPEARANCE AND COUNSEL:
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James A McCullough jmccullough@brunini.com	GOVERNMENTAL/TAXING AUTHORITIES	Internal revenue Service Centralized Insolvency Operations P. O. Box 7346 Philadelphia, PA 19101-7346
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Sammye S. Tharp, Esq. Sammye.S.Tharp@usdoj.gov	UCC:	Committee of Unsecured Creditors c/o Derek F. Meek, Esq., et al dmeek@burr.com
Justin Shelton 811 6 th Avenue N Columbus, MS 38701-4619	Sexton, Inc. P. O. Box 369 Decatur, AL 35602	Wiltshire & Grannis LLP Attn: Jonathan Mirsky 12900 Eighteenth Street NW Washington, DC 20036

<p>D. Andrew Phillips MITCHELL, MCNUTT & SAMS P.O. Box 947 Oxford, MS 38655</p>	<p>Bill D. Bensinger BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ 420 20th Street North Suite 1400 Birmingham, AL 35203</p>	<p>Michael A. Crawford TAYLOR PORTER BROOKS & PHILLIPS, LLP P.O. Box 2471 Baton Rouge, LA 70821-2471</p>
<p>William J. Little, Jr. LENTZ & LITTLE, PA 2505 14th Street Suite 100 Gulfport, MS 39501</p>	<p>Michael A. Crawford TAYLOR PORTER BROOKS & PHILLIPS, LLP P.O. Box 2471 Baton Rouge, LA 70821-2471</p>	<p>Richard Drew U.S. Dept. of Justice, Civil Division Commercial Litigation Branch P.O. Box 875 Ben Franklin Station Washington, DC 20044-0875</p>
<p>John Martin Lassiter BURR & FORMAN LLP 190 E. Capitol Street, Suite M-100 Jackson, MS 39201</p>	<p>Alan Daniel Leeth BURR & FORMAN, LLP The Pinnacle at Jackson Place 190 East Capitol Street, Suite M-100 Jackson, MS 39201</p>	<p>Derek Firth Meek BURR & FORMAN, LLP 420 North 20th Street Suite 3400 Birmingham, AL 35203</p>
<p>Bill D. Bensinger BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ 420 20th Street North Suite 1400 Birmingham, AL 35203</p>	<p>Raymond Spencer Clift, III BAKER, DONELSON, BEARMAN & CALDWELL 165 Madison Avenue, Suite 2000 20th Fl First Tennessee Building Memphis, TN 38103</p>	<p>J. Fred Spencer, Jr. WATKINS & EAGER PLLC P. O. Box 650 Jackson, MS 39205-0650</p>

EXHIBIT 3

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

In Re: Maritime Communications/Land	)	Case No.: 11-13463-NPO
Mobile, LLC	)	Chapter: 11
Debtor(s)	)	Judge: Neil P. Olack
)	
)	

PLEASE TAKE NOTICE that an evidentiary hearing will be held at:

Cochran U.S. Bankruptcy Courthouse, 703 Highway 145 North,
Aberdeen, MS 39730

on 8/31/17 at 11:00 AM

to consider and act upon the following:

1469 – Document First Amended Notice of Plan Effective Date Filed by Craig M.
Geno on behalf of Maritime Communications/Land Mobile, LLC. (Geno, Craig)

1472 – Response Filed by Warren Havens (RE: related document(s)1469 First
Amended Notice of Plan Effective Date filed by Debtor Maritime
Communications/Land Mobile, LLC). Entered on Docket by: (LLG)

Please note that a corporation, partnership, trust, or other business entity, other than a sole proprietorship, may appear and act in Bankruptcy Court only through a licensed attorney.

Dated: 7/12/17

Shallanda J. Clay
Clerk, U.S. Bankruptcy Court
BY: ALD
Deputy Clerk

Imaged Certificate of Notice Page 2 of 3

United States Bankruptcy Court
Northern District of MississippiIn re:
Maritime Communications/Land Mobile, LLC
DebtorCase No. 11-13463-NPO
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0537-1

User: dabbs
Form ID: hrg4Page 1 of 2
Total Noticed: 3

Date Rcvd: Jul 12, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 14, 2017.

db	+Maritime Communications/Land Mobile, LLC,	PO Box 1076,	Columbus, MS 39703-1076
cr	+Warren Havens,	2509 Stuart Street,	Berkeley, CA 94705-1208
cr	+Warren Havens,	2649 Benvenue Ave.,	Berkeley, CA 94704-3438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 14, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 12, 2017 at the address(es) listed below:

Amanda M. Beckett on behalf of Creditor Committee The Official Committee of Unsecured Creditors of Maritime Communications/Land Mobile, LLC abeckett@rubinlublin.com, AB-ECF-Notifications@rubinlublin.com;lcaplan@rubinlublin.com;akhosla@rubinlublin.com;nbrown@rubinlublin.com

April D. Robertson on behalf of Creditor Retzer Resources arobertson@ltindall.com, jconquista@ltindall.com

Bradley T. Golmon on behalf of Creditor Denton County Electric Cooperative, Inc. d/b/a CoServ bgolmon@holcombdunbar.com, mstricklin@holcombdunbar.com

Bradley T. Golmon on behalf of Creditor Interstate Power and Light Company bgolmon@holcombdunbar.com, mstricklin@holcombdunbar.com

Bradley T. Golmon on behalf of Creditor Wisconsin Power and Light Company bgolmon@holcombdunbar.com, mstricklin@holcombdunbar.com

Bradley T. Golmon on behalf of Creditor Alliant Energy Coporate Services, Inc. bgolmon@holcombdunbar.com, mstricklin@holcombdunbar.com

Charles E. Winfield on behalf of Creditor John Reardon cwinfield@perrywinfield.com, akibler@perrywinfield.com

Christopher H. Meredith on behalf of Creditor Telesaurus Holdings GB LLC cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher H. Meredith on behalf of Creditor Intelligent Transportation & Monitoring LLC cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher H. Meredith on behalf of Creditor Environmental LLC cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher H. Meredith on behalf of Creditor Skybridge Spectrum Foundation cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher H. Meredith on behalf of Creditor Verde Systems LLC cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher H. Meredith on behalf of Creditor Warren Havens cmeredith@cctb.com, leech-group@cctb.com;2363508420@filings.docketbird.com

Christopher R. Maddux on behalf of Creditor Crown Castle South LLC chris.maddux@butlersnow.com, vj.money@butlersnow.com;velvet.johnson@butlersnow.com;ecf.notices@butlersnow.com

Craig M. Geno on behalf of Debtor Maritime Communications/Land Mobile, LLC cmgeno@cmgenolaw.com, jnichols@cmgenolaw.com; jshaw@cmgenolaw.com;kcarter@cmgenolaw.com;cmgeno@ecf.courtdrive.com

D. Andrew Phillips on behalf of Creditor Atlas Pipeline Mid-Continent LLC aphillips@mitchellmcnutt.com, ecf-oxford@mitchellmcnutt.com

Derek F. Meek on behalf of Creditor Committee The Official Committee of Unsecured Creditors of Maritime Communications/Land Mobile, LLC dmeek@burr.com, mgunnells@burr.com

Derek F. Meek on behalf of Liquidator Warren Averett, LLC as Liquidating Agent dmeek@burr.com, mgunnells@burr.com

District/off: 0537-1

User: dabbs
Form ID: hrg4

Page 2 of 2
Total Noticed: 3

Date Rcvd: Jul 12, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Douglas C. Noble on behalf of Interested Party Council Tree Investors dnoble@mmqlaw.com, hbreland@mmqnlaw.com
Eric T. Ray on behalf of Creditor Central Virginia Electric Cooperative eray@balch.com
Evan R. Baker on behalf of Creditor Denton County Electric Cooperative, Inc. d/b/a CoServ ebaker@gardere.com, rroberson@gardere.com
J. Mitchell Carrington on behalf of Creditor Crown Castle South LLC mitch.carrington@butlersnow.com, ecf.notices@butlersnow.com, velvet.johnson@butlersnow.com
James A. McCullough, II on behalf of Creditor LRTC, LLC jmccullough@brunini.com, dgarmon@brunini.com
James A. McCullough, II on behalf of Creditor National Rural Telecommunications Cooperative jmccullough@brunini.com, dgarmon@brunini.com
Jan M. Hayden on behalf of Interested Party Choctaw Telecommunications, LLC jhayden@bakerdonelson.com
Jan M. Hayden on behalf of Creditor Southeastern Commercial Finance, LLC jhayden@bakerdonelson.com
Jayna Partain Lamar on behalf of Creditor Sexton's Inc. jllamar@maynardcooper.com, kwesson@maynardcooper.com
Jim F. Spencer, Jr. on behalf of Interested Party Southern California Regional Rail Authority jspencer@watkinseager.com, mryan@watkinseager.com; mryan@ecf.courtdrive.com
Jim F. Spencer, Jr. on behalf of Creditor Puget Sound Energy jspencer@watkinseager.com, mryan@watkinseager.com; mryan@ecf.courtdrive.com
John G. Loughnane on behalf of Creditor Duquesne Light Company vrobertson@eckertseamans.com
John P. Dillman on behalf of Creditor Matagorda County houston_bankruptcy@lgbs.com
John T. Moses on behalf of Creditor Pinnacle National Bank jmoses@bassberry.com
John W. Crowell on behalf of Creditor Spectrum Bridge, Inc. jcrowell@cgclawpllc.com, dmcdaniel@cgclawpllc.com; mholliman@cgclawpllc.com
John W. Crowell on behalf of Creditor Oliver L. Phillips, Jr. jcrowell@cgclawpllc.com, dmcdaniel@cgclawpllc.com; mholliman@cgclawpllc.com
Lloyd H. Randolph on behalf of Creditor Federal Communication Commission lloyd.randolph@usdoj.gov
Marc P. Solomon on behalf of Creditor Committee The Official Committee of Unsecured Creditors of Maritime Communications/Land Mobile, LLC msolomon@burr.com
Michael A. Crawford on behalf of Interested Party Enbridge, Inc. mike.crawford@taylorporter.com
Michael A. Crawford on behalf of Creditor Rappahannock Electric Cooperative mike.crawford@taylorporter.com
Michael A. Crawford on behalf of Interested Party Pinnacle Wireless, Inc. mike.crawford@taylorporter.com
Michael A. Crawford on behalf of Interested Party Dixie Electric Membership Corporation mike.crawford@taylorporter.com
R. Spencer Clift, III on behalf of Creditor Collateral Plus Fund I, LP sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor Watson & Downs, LLC sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor R. Hayne Hollis sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor R. Hayne Hollis, III sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor Pat Trammel sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor Patrick B. Trammel sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Interested Party Choctaw Telecommunications, LLC sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
R. Spencer Clift, III on behalf of Creditor Southeastern Commercial Finance, LLC sclift@bakerdonelson.com, sloft@bakerdonelson.com; rhagan@bakerdonelson.com; elindner@bakerdonelson.com
Richard H. Drew on behalf of Creditor Federal Communication Commission Richard.H.Drew@usdoj.gov
Sammye S. Tharp on behalf of U.S. Trustee U. S. Trustee Sammye.S.Tharp@usdoj.gov, Sarita.dukes@usdoj.gov
Sheila deLa Cruz on behalf of Creditor Rappahannock Electric Cooperative sdelacruz@hf-law.com
Stephen W. Ragland on behalf of Creditor Pinnacle National Bank steve.ragland@scdag.com
Stephen W. Rosenblatt on behalf of Creditor Crown Castle South LLC steve.rosenblatt@butlersnow.com, velvet.johnson@butlersnow.com; VJ.Money@butlersnow.com; ecf.notices@butlersnow.com
Timothy M. Lupinacci on behalf of Creditor Southeastern Commercial Finance, LLC tlupinacci@bakerdonelson.com, mmurrell@bakerdonelson.com
U. S. Trustee USTPRegion05.AB.ECF@usdoj.gov
William D. Drinkwater on behalf of Creditor National Rural Telecommunications Cooperative wdrinkwater@brunini.com, panderson@brunini.com
William H. Leech on behalf of Attorney Copeland, Cook, Taylor & Bush, P.A. bleech@cctb.com, leech-group@cctb.com
William J Little, Jr. on behalf of Interested Party Enbridge, Inc. Bill@lentzlittle.com

TOTAL: 58

Declaration

I, Warren Havens, declare under penalty of perjury that the foregoing filing, including any attachments and exhibits, was prepared pursuant to my direction and control and that the factual statements and representations contained herein known to me are true and correct.

/s/

Warren Havens

July 21, 2017

Certificate of Filing and Service

I, Warren C. Havens, certify that I have, on July 21, 2017:[*]

(1) Caused to be served, by placing into the USPS mail system with first-class postage affixed unless otherwise noted below, a copy of the foregoing filing, including any exhibits or attachments, to the following:

Robert J. Keller
Law Offices of Robert J. Keller, P.C.
P.O. Box 33428
Washington, DC 20033-0428
(Counsel to MCLM/MCLM DIP)

Wilkinson Barker Knauer, LLP
ATTN Mary N. O'Connor
2300 N Street, NW, Suite 700
Washington, DC 20037
(Counsel to Choctaw)

(2) Caused to be filed the foregoing filing as stated on the caption page, and thus, as I have been instructed, [**] provide notice and service to any party that has or may seek to participate in dockets 13-85 and 11-71 that extend to this filing, and the three interdependent FCC Orders, FCC 16-172, DA 17-26 and DA 17-450.

/s/

Warren Havens

[*] The mailed service copies being placed into a USPS drop-box today may be after business hours and thus may not be processed and postmarked by the USPS until the next business day.

[**] The FCC Office of General Counsel informed me regarding others' filings concerning MCLM relief proceedings that I was served in this fashion. I assume OCC does not apply a different standard to others. If OGC has a different standard, it can make that clear and public.